

Florence, New Jersey 08518-2323
September 7, 2017

The Regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Lutz then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Joseph Cartier
Anthony Drangula	Larry Lutz
Anant Patel	Lou Sovak
B. Michael Zekas	Margo Mattis
Dennis Puccio	

Also Present: Solicitor David Frank
Engineer Andrew Banff

Excused: Planner Barbara Fegley

APPLICATIONS

- A. Application ZB#2017-07 from John Herbert for Bulk Variance to legalize several structures that were installed without prior municipal approval and for impervious surface coverage and side yard setback on property located at 925 Schisler Drive, Florence. Block 155.50, Lot 23.**

Solicitor Frank explained the notices were mailed and published by the applicant and unfortunately the newspaper notice had an incorrect date, it had September 9 instead of September 7. His recommendation to the Board is to further adjourn the application to the meeting of October 2 without further mailed notice. He would still be required to supply a corrected published notice.

Chairman Zekas announced that if anyone was attending the meeting this evening for the Herbert application, it will be heard next month, October 2, at 7:30pm.

It was the Motion of Lutz, seconded by Drangula, to continue the application to the next meeting, and the applicant will not be required to re-notice but will need to publish a new notice in the newspaper. All ayes.

- B. Application ZB#2017-08 from Ryan Lee for Bulk Variance for front yard setback to construct a single-family home on property located at 525 East Sixth Street, Florence, NJ 08518. Block 82, Lots 2.01 & 2.02.**

Mr. Lee was sworn in by Solicitor Frank. Chairman Zekas asked Mr. Lee to provide an overview of the proposed project and what variances are required and why. Mr. Lee said the variance he needs is the variance that would allow him to build within the 25' front setback for a new residential dwelling he is seeking to build. He did receive the report from Maser Consulting that outlined a few concerns with the application. He brought some information that he would like to present that he hoped would alleviate some of the concerns. He asked if he should review the report or if the Board needed further information about the application itself. Chairman Zekas suggested Mr. Lee proceed with addressing the report.

Mr. Lee referred to the Comments section of the report. Number one he feels was a general overview regarding the incompleteness of the application. Moving to number two, he does agree that the two lots will need to be consolidated by deed. He hopes to move forward and do that prior to the construction of the home. For number three, the question was if he could reduce the setback by 9'. He did attempt to ask for as little in variances as possible for the house with it being a custom-built home. It is already positioned at exactly the 35' setback from the rear, so it is now infringing upon the front because of the front porch.

Solicitor Frank asked what the overall dimension from front to back of the house was. Mr. Lee said it is 48' 8". Solicitor Frank asked if that included the front porch. Mr. Lee said it did. Solicitor Frank asked the width of the property. Mr. Lee said the width of property is 38' 6".

Mr. Lee said concerning number four in the report, he knows the concern was that within the initial application, only a front elevation was provided. He brought with him some documents showing side and rear elevations. He provided copies for everyone. Solicitor Frank entered these into evidence Exhibits A1 through A-6. A-1 was the front view, A-2 was a right side elevation, A-3 was a left side elevation, A-4 was the rear elevation, A-5 is the first floor plan and A-6 was the second floor plan. The Board members reviewed the exhibits at this time.

Mr. Lee continued on to comment number five; he knew there was a concern about the impervious coverage for the property. The accessory building has been completely demolished; it is no longer standing and that should alleviate any questions regarding comments five and six. Solicitor Frank asked Engineer Banff if the removal of the 390-sq. ft. building would bring the applicant under the allowed impervious coverage of twenty percent.

Engineer Banff said with just the house it does. Solicitor Frank said in that case, a variance is not needed for that. Engineer Banff said it is just the house coverage. It does not include any driveways or sidewalks.

Member Buddenbaum asked Mr. Lee if he was planning on putting up a shed at some point. Mr. Lee said his plan for the driveway is to just have a stone driveway. There shouldn't be any pathways or sidewalks or any kind of accessory paths that would be impervious. Member Buddenbaum asked again if he would want a shed. Mr. Lee said possibly down the road he would want one. Member Buddenbaum said he was asking because if a variance was needed it could be added to this application.

Mr. Lee said in terms of knocking the accessory building down, he thought that he would be at twenty percent, but would be afforded an additional five percent for accessory type uses. It was his understanding that at a later time he would be able to put up something small. Chairman Zekas said the Board Engineer was performing the calculations at this time. Member Drangula asked if everything from the small building was gone. Mr. Lee said the cement foundation was still there but he is removing it prior to construction.

Member Lutz asked the applicant if he was going to have a stone driveway. Mr. Lee said he was. Member Lutz asked Solicitor Frank if the driveway would be pervious. Solicitor Frank said he does not think it was under the ordinance. He thinks it is considered to be impervious. Member Lutz asked if there was going to be a service walk from the driveway to the front porch. Mr. Lee said he was planning to make some kind of paver stepping stone walk. Member Lutz asked if they would be considered pervious or impervious. Solicitor Frank said the ordinance says that pavers are considered pervious. He believes the stone driveway would be considered impervious because eventually it would become compacted. Engineer Banff said they need to take a look at the ordinance to confirm that but he thinks it would be considered impervious.

At this time the Board Professionals requested a copy of the Township Code Book.

Solicitor Frank said it would need to be resolved to know where the applicant is on lot coverage. He suggested moving on with the testimony.

Mr. Lee said regarding comment number seven he is in agreement with the grading plan and that would be a condition for getting the building permits to construct the house. That would be submitted with the plans for the construction of the home. Moving to number eight, he thinks this is what was just being discussed, which was the pavers for the driveway and that is the plan going forward. He said he is acknowledging numbers nine, ten and eleven. He is in agreement with them all. He also wanted to note for number twelve that he did coordinate with PSE&G to install the gas line prior to the paving of the road, so that has been taken care of.

Member Drangula asked if the water hookup and sewer hookup were at the front of the house. Mr. Lee said they are on the rear of the house to the alley.

Mr. Lee said he had another document for evidence; a sheet with a few photos of other properties with a similar situation. He also prepared a piece of written testimony that he would like to read aloud. The page of photos was entered into evidence as A-7. A board member asked what had been on the property previously. Mr. Lee said it has been a vacant lot that was overgrown. He has done some tree removal and gotten it to the point where it is now. Member Patel asked if there was ever a house on the lot. Mr. Lee said he did not believe there was ever a home there. Mr. Patel asked what the demolished structure was there for. Mr. Lee said he wasn't sure but he had been told that at one point there were some gardens on the site decades ago. He believes it may have been a utility shed that was used for the garden.

Member Zekas asked if the framed building in the back was still there. Mr. Lee clarified that was the building that had been demolished. Board members asked about the well that is on the site. Mr. Lee said the well is going to be filled in. It is a shallow well.

Mr. Drangula asked if the other homes on the street maintain the 25' setback. Mr. Lee said there are several homes within walking distance that are infringing upon the setback. Mr. Drangula asked if it was all of them. Mr. Lee said no, not all of them. Mr. Drangula asked why Mr. Lee didn't ask for a rear yard setback variance instead. Mr. Lee said he has two small children and he wanted to optimize the back and side yards. The front yard is not where he would want his children playing. Member Drangula said it would have only been a matter of eight or nine feet. He is concerned that Mr. Lee's house jutting out is going to block the view of the neighbors looking up and down the street. They will have a view of the side of the house rather than a view of the street. Mr. Lee said he has one neighbor that faces in the opposite direction. They are on the corner of Sixth Street and Cedar Street. Their back yard is toward him. He feels he is still providing a pretty significant setback. He didn't see it as a drastic infringement.

Chairman Zekas said across from Mr. Lee's property they are all in line, but he doesn't think any of them are 25' back. The one next to the property is probably even closer than the 16' Mr. Lee is requesting. Mr. Lee said the home right next to him may conform to the ordinance but the house on the corner is right on the road. Member Drangula said he remembers those two houses on the corner and they had probably been there for over one hundred years. They were there before the street was widened.

After reviewing the Code Book, Solicitor Frank said he is at a loss because the definition in the book gives a functional definition for impervious coverage. It doesn't call out anything specific. Some are looking to the book for a statement about pavers but he hasn't found anything. The definition given for impervious surface is a surface that has been covered with a layer of material so that is highly resistant to infiltration of water. Lot coverage is defined as the total of the areas occupied by all buildings, structures and impervious surfaces on a lot. If it is determined in the engineer's opinion that the gravel driveway is a layer of material that makes it highly resistant to the infiltration of water, that would count for lot coverage. He believes that historically that has been the interpretation of the Board.

Member Buddenbaum said this has been discussed. He asked about pervious blacktop. He asked if it would be considered the same as stone. Engineer Banff said he would want to consider the definition of lot coverage and structures. Chairman Zekas said based on what the Board has historically done, a paver driveway would be considered pervious. Solicitor Frank said this is something that should be included in the Board's Annual Report and the Board needs to discuss this with the governing body. The Board needs to be able to give clearer direction to applicants. He doesn't see anywhere in the Codebook anything that would speak to this directly.

Member Drangula said he was having trouble visualizing where the driveway was going to be. Mr. Ryan noted it was on the side of the house. He indicated the twenty foot area where it would be.

Chairman Zekas called for a short recess for the Board Solicitor and Board Engineer to review the Code Book for clarification.

Chairman Zekas called the meeting to order.

Chairman Zekas said it appeared the applicant discussed everything that was in the Engineer's review letter. It is his understanding that the applicant is requesting a front yard setback variance to locate the house 16' in the front rather than the 25' requirements. Mr. Lee concurred.

Chairman Zekas asked Engineer Banff if he was able to calculate the current impervious coverage is with the small building demolished and the proposed house footprint on the lot. Engineer Banff said the proposed impervious coverage as shown on the plan would be about 18.8 percent lot coverage. That would be under the twenty percent limit just with the building. He said the dwelling would have some kind of driveway and would also have some kind of sidewalk or pavers. The driveway itself with stone would be considered a structure, which would be calculated into the lot coverage. The five percent additional that is allowed by ordinance would be for pools, sheds and patios. Adding the driveway would add to the lot coverage. He is assuming it would be 15' wide and about 40' long. That would bring the coverage right to that twenty five percent maximum coverage. Since the extra five percent allowable does not apply to the driveway there would need to be an additional variance for lot coverage. Solicitor Frank asked Mr. Ryan if the dimensions of the driveway sounded reasonable. Mr. Lee agreed to the size of the driveway.

Solicitor Frank explained this was taking the functional perspective on what is lot coverage and what is impervious surface from the definition in the ordinance. Chairman Zekas said since stone is actually considered impervious the applicant would have the option to use whatever he would like for the driveway. He could use blacktop or cement or pavers; whatever he would like to use. He recommended the applicant amend his application at this time to include impervious coverage for the driveway.

Member Drangula asked where the water from the driveway would run off. Engineer Banff said with what he was provided he cannot determine the topography of the property. Solicitor Frank said the Board could make a condition. The applicant will be providing a grading plan and a condition could be made that no water runs off onto other parcels. The Township Engineer would be overseeing the grading.

Chairman Zekas reviewed that the applicant is requesting a front yard setback variance and a variance for impervious coverage at twenty-five percent. Solicitor Frank said with regard to the front yard setback, the applicant has said on his side of the street there are already properties that are within that front yard setback. Mr. Drangula said there are two older homes that have been there probably since it was a dirt road. Solicitor Frank said regardless, they are there. There isn't a solid line of houses in a row that would make this stand out. Member Drangula said that was his concern. All of the other homes there except for the two corner homes are compliant. He feels this house will block the field of view for the neighbors. Member Drangula asked if the applicant thought moving the house back eight or nine feet would interfere with his children playing in the back. Mr. Lee said if he is not able to obtain the variance he will not be able to put a front porch on the house. The house is

already compliant with the rear setback. Member Drangula said he asked earlier why the applicant didn't apply for a rear yard setback instead. Mr. Lee said he was looking at this in terms of being a forever residence and having young children, he wanted to maximize the backyard space. Member Drangula noted there was 41' on one side. That would be a big play area. Member Sovak said being that it is a custom build couldn't the architect have met all of the zoning laws? Member Drangula said he felt the house should have been centered on the property.

Member Cartier asked if there was an ordinance dealing with how close a driveway could be to adjoining properties. Member Sovak said this was a full sized lot so there is no hardship as far as lot size. He asked if the adjacent property was full sized. Chairman Zekas said those lots weren't shown on the survey. He assumed the depth of all the properties was the same. Member Drangula asked if the positioning of the house was from the architect or the applicant. Mr. Lee said it was a collaboration. Member Drangula asked if the applicant wanted to center the building on the lot. Mr. Lee said he did not. Member Mattis asked if he planned on fencing in the back yard. Mr. Lee said that is something he might do later down the road.

Solicitor Frank said there were no requirements for how far a driveway should be from an adjoining property. After reviewing the Code Book, Engineer Banff said the ordinance as it is written does not mention setbacks from driveways.

Solicitor Frank said during the recess Engineer Banff mentioned to him that if the house was moved farther back it would also most likely mean a longer driveway and that would increase the impervious lot coverage. Member Buddenbaum asked if the applicant was going to put a paver walkway from the driveway to the front of the house. Mr. Lee said he is looking to acquire the variance and is willing to use whatever materials he needs to in order to make sure he is in compliance. Solicitor Frank said he thinks it was found that all of these materials are going to be treated similarly so the applicant can use whatever material he would like as long as the variance is approved.

Chairman Zekas said the application started out as a discussion on completeness but he believes the applicant addressed all of the issues in the letter. He asked Engineer Banff if there was anything still outstanding. Engineer Banff said all of his issues were addressed. The applicant will be required to submit a full plot plan for topography as part of his building permit application. Drainage would be reviewed at that time by the township officials. If there was any detrimental impact it would be addressed at that time.

Solicitor Frank said conditions would be lot consolidation, removal of the accessory building foundation, submission of a grading plan as part of the permit process, no run off directed to adjoining properties and driveways and sidewalks need to be shown on the plans showing not more than twenty-five percent lot coverage.

It was the Motion of Lutz, seconded by Patel to open the meeting to the public regarding Application ZB#2017-08. All ayes.

Mr. Lee's father said he was here to show support of the application. As a father, it is always great to have your child and grandkids grow up in the same area he grew up in. It is something he is looking forward to.

Seeing no one else wishing to be heard, it was the Motion of Lutz, seconded by Buddenbaum to close the public hearing. All ayes.

Chairman Zekas said there are two variance requests, as Solicitor Frank and Engineer Banff determined. They are for front yard setback and impervious coverage.

It was the Motion of Lutz, seconded by Buddenbaum to approve Application ZB#2107-08.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Cartier, Drangula, Lutz, Patel, Zekas

NOES: Sovak

ABSENT: None

RESOLUTIONS

None at this time.

MINUTES

It was the Motion of Lutz, seconded by Drangula to approve the minutes of the Regular Meeting of July 6, 2017. All ayes.

CORRESPONDENCE

A. Meeting Schedule for 2018

It was the Motion of Patel, seconded by Lutz to receive and file as written the schedule for 2018. All ayes.

OTHER BUSINESS

Member Sovak asked if the Salt & Light application was ever memorialized. Solicitor Frank said the dismissal was memorialized. It was done with prejudice. The application was an effort to get the Board to reconsider its prior denial of the application.

PUBLIC COMMENT

There was no public present.

ADJOURNMENT

It was the Motion of Buddenbaum, seconded by Lutz to adjourn the meeting at 8:28 p.m. Motion unanimously approved by all members present.

Larry Lutz, Secretary